IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

Civil Action No. 5:17-cv-00261

DR. TRAVIS EARL LEWIS, **Plaintiff,** **v.** **MARGARET M. L. SPELLINGS, in her official capacity only; W. LOUIS BISSETTE, JR., in his official capacity only; CECIL P. STATON, in his official capacity only; VIRGINIA D. HARDY, both individually and in her official capacity; and LYNN M. ROEDER, both individually and in her official capacity,** **Defendants.**	)	**VERIFIED COMPLAINT** ***[COMP]*** **(Jury Trial Demanded)**

NOW COMES the Plaintiff Dr. Travis E. Lewis ("Plaintiff"), by and through undersigned counsel T. Greg Doucette, and complains of the above-captioned Defendants as follows:

I. PARTIES

1. Plaintiff is a citizen and resident of Pitt County, North Carolina, and the former Associate Dean of Students of East Carolina University ("ECU").

2. Upon information and belief, Defendant Margaret M. L. Spellings ("Spellings") is a citizen and resident of Orange County, North Carolina, and serves as the current President of the consolidated University of North Carolina (the "University").

3. Upon information and belief, Defendant W. Louis Bissette ("Bissette") is a citizen and resident of Buncombe County, North Carolina, and serves as a member of the Board of Governors of the University.

4. Upon information and belief, Defendant Cecil P. Staton ("Staton") is a citizen and resident of Pitt County, North Carolina, and is the current Chancellor of ECU.

5. Upon information and belief, Defendant Virginia D. Hardy ("Hardy") is a citizen and resident of Pitt County, North Carolina, and is the current Vice Chancellor for Student Affairs of ECU.

6. Upon information and belief, Defendant Lynn M. Roeder ("Roeder") is a citizen and resident of Pitt County, North Carolina, and is the current Associate Vice Chancellor for Student Affairs and Dean of Students of ECU.

II. RELATIONSHIP AMONG THE PARTIES

7. Defendant Spellings administers the University as its President, hired Defendant Staton to serve as the Chancellor of ECU, and oversees University personnel jointly with the University system's Board of Governors. Defendant Spellings is sued only in her official capacity as President, as a representative agent of the University.

8. ECU is a constituent institution of the University.

9. Defendant Bissette is the current Chairman of the Board of Governors of the University. The Board hired Defendant Spellings, ratified Defendant Spellings's selection of Defendant Staton, and jointly with Defendant Spellings oversees ECU and its employees. Defendant Bissette is sued only in his official capacity as Chairman, as a representative agent of the Board of Governors.

10. Defendant Staton administers ECU as its Chancellor, where he replaced former Chancellor Steven Ballard effective 1 July 2016. Defendant Staton is sued only in his official capacity as Chancellor, as a representative agent of ECU.

11. At all times relevant to the causes of action herein, Defendant Hardy was a subordinate to the Chancellor. Defendant Hardy is sued both individually and in her official capacity.

12. At all times relevant to the causes of action herein, Defendant Roeder was a subordinate to Defendant Hardy. Defendant Roeder is sued both individually and in her official capacity.

13. Upon information and belief, at all times relevant to the causes of action herein, each of the above-identified Defendants acted within the course and scope of their respective duties as government employees of the University.

III. JURISDICTION AND VENUE

14. This Court has personal jurisdiction over the Defendants under Fed. R. Civ. P. 4 and N.C. Gen. Stat. § 1-75.4.

15. This Court has original subject matter jurisdiction under 28 USC § 1331 as to the federal law claims arising under the Constitution and laws of the United States, and supplemental subject matter jurisdiction under 28 USC § 1367(a) as to the state law claims.

16. Venue in this Court is proper under 28 USC § 1391(b).

IV. FACTS

17. Plaintiff is an adjunct professor at ECU, where he currently teaches several courses each semester for ECU's College of Education.

18. Plaintiff obtained his baccalaureate degree in psychology from the University of North Carolina at Chapel Hill ("UNC") in 1999, his master's degree in counselor education from UNC in 2000, a second master's degree in school administration from ECU in 2006, and his doctorate in educational leadership from ECU in 2010.

19. On or about early 2010, Plaintiff applied for a position in the Dean of Students Office. Defendant Roeder spoke with Plaintiff and indicated Plaintiff would be a better fit for a new position that would be coming available in the Department of Student Affairs relating to student safety.

20. Plaintiff applied for the new position when it was advertised, and on or about 29 November 2010 Plaintiff was offered and accepted a position as ECU's Director for Student Safety & Services.

21. The Director for Student Safety & Services position was classified as an at-will Instructional, Research, and Public Services (IRPS) non-faculty position exempt from the State Personnel Act (EPA), as defined in the University's Policy Manual.

22. Plaintiff began work in that position on or about 19 January 2011.

23. In his role as Director for Student Safety & Services, Plaintiff "work[ed] collaboratively and proactively with faculty within the colleges and schools at ECU to assess threats to the University community[,]" "provide[d] referrals and guidance, and advise[d] faculty and staff regarding the protocol for handling a threatening situation[,]" "[c]ollect[ed] comprehensive fact based information on reported students, faculty and staff that may represent a threat to campus safety[,]" "[r]efer[red] students, faculty and staff who may appear to create a safety concern to the campus and to the University's [Behavioral] Concerns Committee, and follow[ed] up on the committee's recommendations," "[p]rovide[d] information and seamless referrals to the appropriate resources[,]" "[e]nsure[d] that student emergencies are properly directed to the appropriate departments or outside agencies[,]" "[p]articipate[d] in teaching undergraduate classes on academic preparation[,]" and "[s]erve[d] on Student Affairs Division and University committees as requested" alongside other duties as assigned.

24. Plaintiff received uniformly positive reviews throughout his service in this position, as well as regular pay raises at or near the maximum permitted under ECU regulations, University policy, and state law.

25. Plaintiff was promoted effective 1 May 2013 to Associate Dean of Students & Director of Student Safety & Services.

26. The Associate Dean of Students & Director of Student Safety & Services position was classified as an at-will Tier II Senior Academic and Administrative Officer (SAAO) EPA non-faculty position, as defined in the University's Policy Manual.

27. In that role, Plaintiff "provide[d] leadership, supervision[,] and direction to student affairs personnel in the areas of Student Programs and Evaluation, Student Safety and Services[,] and Threat Assessment." In addition, Plaintiff "engage[d] members of the University in complex problem solving and advise[d] faculty, staff, students[,] and parents on sensitive and private issues" and "serve[d] as the primary point of contact for students to express their concerns regarding university life … responsible for the coordination and delivery of services and serve[d] as a liaison for the following areas: all student service areas including counseling, student health, disability support services, individual student crisis management, admissions, registration, orientation, financial aid, academic support services, university policies and others as deemed necessary to meet student needs."

28. Plaintiff received uniformly positive reviews throughout his service in this modified position, as well as regular pay raises at or near the maximum permitted under ECU regulations, University policy, and state law.

29. In each of the measured areas in his 2014-2015 EPA Evaluation, Plaintiff was rated as "Outstanding" in every category. A true and accurate copy of the referenced Evaluation is attached hereto as Plaintiff's Exhibit 1.

30. In addition to his roles as Director for Student Safety & Services and then Associate Dean of Students, Plaintiff was also permitted to teach several courses as an adjunct professor because "Travis Lewis is a perfect example of expert practitioner/scholars whom the Dep[artmen]t of HACE [Higher, Adult, and Continuing Education] uses for part-time instruction specifically because of both their terminal degrees and long and specific experience."

31. Plaintiff received uniformly positive reviews for his proficiency as an educator, including his "close personal attention to disciplinary content, appropriate instructional strategies and inclusion of guest lecturers, and an excellent rapport with our students."

32. In addition to his formal reviews, Plaintiff was recognized on several occasions for the quality of his work, receiving ECU's Centennial Award for Excellence as the creator and chairman of the ECU Concerns Team.

33. Separate and apart from his professional work, on his own personal time, Plaintiff would periodically meet with coworkers and other ECU personnel over coffee or lunch to socialize.

34. One particular ECU employee, E.P., met with Plaintiff approximately 4 or 5 times during her employment at ECU and discussed her transition to Greenville, interactions with the staff in her particular department, problems relating to the campus climate in that department, and so on.

35. Occasionally during his time in the ECU administration, Plaintiff himself expressed concerns about what appeared to be a pattern of misfeasance by Defendant Roeder and Defendant Hardy.

36. Among other concerns, Plaintiff noted to ECU personnel:

a. Defendant Roeder regularly used state time and ECU personnel for transportation to assorted personal appointments, including to receive Botox injections, manicures/pedicures, and hairstyling, and further spent inordinate amounts of state time shopping for personal items online.

b. Defendant Roeder repeatedly engaged in quid pro quo with office staff, approving requests for state-financed travel in exchange for, e.g., cleaning Defendant Roeder's home, changing the litterbox for her cat, and balancing her mother's checkbook.

c. Safety concerns expressed by Plaintiff and other threat assessment personnel went unheeded when those concerns involved certain members of the ECU football team, baseball team, and women's basketball team.

d. An ECU student, G.T., was raped by an ECU resident advisor and Defendant Roeder instead focused on trying to get G.T. to withdraw from ECU.

e. Plaintiff had spoken with Defendant Roeder regarding a threat posed by an ECU student, R.H., to a student employee in the Department, S.B. Defendant Roeder claimed she would speak with the student employee regarding the threat. Several weeks later S.B. was raped by R.H., and R.H. indicated Defendant Roeder had never spoke with her about the threat posed.

f. Other sexual assault investigations were routinely mishandled by personnel of the Dean of Students Office, to the point such investigations were reassigned to the ECU Office of Student Rights & Responsibilities.

g. When Defendant Hardy was informed that certain ECU fraternities had developed specific practices for drugging girls and then sexually assaulting them, Plaintiff's proposals to address the issue were ignored.

h. FERPA-protected information relating to sexual assault, mental health, and other sensitive matters was improperly routed through student employees of the Office of Student Rights & Responsibilities and the Dean of Students Office. These concerns were expressed not only to Defendant Roeder but also to personnel in ECU's Office of University Counsel.

i. Defendant Roeder repeatedly permitted student members of the ECU Ambassadors – current students assigned by Defendant Hardy – to have access to FERPA-protected confidential information in Defendant Roeder's office.

j. Defendant Roeder hired as a student employee J.D., who did not meet the GPA requirements for the position, but continued to pay J.D. even when he did not come to work because J.D. had a family member on the University's Board of Governors.

k. Defendant Roeder routinely held parties at her mother's home for students, where alcohol was served to attendees even when those attendees were under the legal age for consumption.

l. A program under Defendant Hardy's purview for students with severe substance abuse problems featured a dinner at an administrator's home where the students were photographed holding a wine bottle with the administrator in pictures that were posted to social media.

m. Defendant Hardy would regularly bypass Defendant Roeder to request information directly from Plaintiff relating to the status of the Dean of Students Office, budgetary needs, and related administrivia generally under the purview of Defendant Roeder. Plaintiff indicated to both Defendant Hardy and Defendant Roeder that he was uncomfortable becoming the "middle man" for requests that should have instead been routed through Defendant Roeder.

37. In early 2016 in particular, Plaintiff and other Student Affairs personnel were concerned that Defendant Roeder was arriving at work while intoxicated and regularly arriving hours late. Student Affairs staff were coached that, if Defendant Hardy called looking for Defendant Roeder, the staff members were to tell Hardy that Roeder was in a meeting and then send a text message to Roeder to make her aware so she could reach out to Hardy. Defendant Roeder stated to Plaintiff that she was taking assorted prescription medications to help her sleep and address stomach ulcers caused by her job. During one particular incident in January 2016, Defendant Roeder came into Plaintiff's office and broke down sobbing, apparently intoxicated, stating that she feared Plaintiff was being "groomed" to replace Defendant Roeder in her position and that she wished Defendant Hardy would "put me out of my misery." Defendant Roeder had expressed similar concerns at several points in the past, complaining to Plaintiff that Defendant Hardy preferred having men in her chain of command and did not support Defendant Roeder in her position.

38. Also during January 2016, Plaintiff's wife received an anonymous letter at her place of employment accusing Plaintiff of having an affair with E.P., referencing Plaintiff's children

being better off without Plaintiff in their lives, and making Plaintiff's wife feel threatened. Out of concern for his safety and that of his family, Plaintiff shared the letter with Defendant Roeder to make her aware of the situation. Defendant Roeder claimed she had already been informed of "rumors" but otherwise "not to worry."

39. On or about February/March 2016, Plaintiff was summoned to a meeting with Defendant Roeder and Defendant Hardy, wherein the Defendants asked Plaintiff if he was having an affair with E.P. as alleged in the anonymous letter.

40. No such affair took place, either before or after the February/March 2016 meeting, and Plaintiff denied the allegations made by Defendant Roeder and Defendant Hardy.

41. Plaintiff never received any official written notice from ECU regarding what would later be characterized as a "Title IX complaint" (see Paragraph 63 *infra*) relating to an alleged affair or hostile work environment.

42. If there was such a complaint, Plaintiff was never permitted to respond to the alleged complaint as provided under the then-applicable ECU policies, University regulations, and state law.

43. In response to a request made by Plaintiff, ECU provided to Plaintiff a full and complete copy of Plaintiff's personnel file as defined in N.C. Gen. Stat. § 126-22(b)(3), excluding only "four (4) letters of reference submitted by Dr. Lewis prior to his employment on the grounds of confidentiality" as such letters of reference are confidential pursuant to N.C. Gen. Stat. § 126-24(1)(i). There are no documents of any kind whatsoever relating to any Title IX complaint contained within the personnel file produced.

44. Upon information and belief, Defendant Roeder and Defendant Hardy fabricated the alleged Title IX complaint as a pretext to prepare Plaintiff's termination.

45. Defendant Roeder and Defendant Hardy provided false information to Plaintiff, and misrepresented to Plaintiff the nature of the alleged complaint.

46. The conduct of Defendant Hardy was willful and wanton.

47. The conduct of Defendant Roeder was willful and wanton.

48. On or about March 2016, separate and apart from his professional work and on his own personal time, Plaintiff was one of several ECU employees who assisted E.P. with packing furniture and other belongings when she moved away from Greenville.

49. After that date, in a previously scheduled meeting with Defendant Roeder, Defendant Roeder asked Plaintiff if he was present at E.P.'s residence. Plaintiff stated that he was present, on his own time, together with several other ECU employees.

50. On or about April 2016, Plaintiff was summoned to a follow-up meeting with Defendant Roeder and Defendant Hardy. Defendant Roeder claimed ECU's audit personnel had reviewed all of Plaintiff's emails, and as a result Defendant Roeder "knew" Plaintiff was having an affair with E.P. and Defendant Roeder had made Plaintiff's coworkers aware of the affair. Defendant Roeder further stated she believed Plaintiff was undermining Defendant Roeder's position, could no longer be trusted, and had created a hostile work environment. Defendant Hardy instructed Plaintiff to "stay in your lane and do your job," a bizarre request in light of Defendant Hardy repeatedly approaching Plaintiff for information and to perform tasks typically under the purview of Defendant Roeder.

51. Defendant Roeder approached Plaintiff approximately two weeks after the April 2016 meeting, claiming that Associate University Attorney Steve Serck and Associate Director of Internal Audit and Management Advisory Services Wayne Poole were "pushing for [Plaintiff] to be fired."

52. On or about 23 May 2016, Plaintiff arrived to a regularly scheduled meeting with Defendant Roeder. Upon his arrival Plaintiff discovered a uniformed police officer was on guard outside Defendant Roeder's office, and found both Defendant Roeder and a member of ECU's Human Resources Department present in the room.

53. Plaintiff later learned the Student Affairs personnel had been told by Defendant Roeder to leave the premises, claiming the Dean of Students Office was being sprayed for bugs.

54. Defendant Roeder provided a letter to Plaintiff and represented to him that he would either be terminated from his position at 2:00pm the following day, or Plaintiff could submit a letter of resignation before that time and receive a nominal severance package.

55. In addition, Defendant Roeder seized Plaintiff's office keys and ECU-issued equipment, and instructed Plaintiff he was not to return to the building except at a pre-scheduled time after work hours with a police escort to retrieve Plaintiff's personal effects from his office.

56. The University's Policy Manual 300.1.1(III)(B)(1) provides that the termination of ECU's Tier II SAAO positions is solely and exclusively "at the discretion, respectively of the [University] president or of the [ECU] chancellor[.]"

57. Upon information and belief, the chancellor (then Steve Ballard, now Defendant Staton) was never consulted prior to Defendant Roeder's representations to Plaintiff regarding his employment status.

58. The University's Policy Manual 300.1.1(III)(E) further provides "Employment in Tier II SAAO positions shall not be adversely affected by the exercise of rights guaranteed by the First Amendment of the United States Constitution or by Article I of the North Carolina Constitution," including the freedoms of association and assembly.

59. Plaintiff protested to Defendant Roeder that he was being improperly forced out of his position, but that he would agree to resign under duress. Plaintiff was subsequently escorted from the building by the police officer.

60. Plaintiff's resignation was coerced.

61. Plaintiff's coerced resignation served as a discharge.

62. Even after Defendant Roeder misrepresented information to Plaintiff in order to coerce his resignation, and after Plaintiff's resignation was accepted, Defendant Roeder continued to defame Plaintiff to ECU personnel within the Department of Student Affairs.

63. On or about 29 July 2016 at approximately 8:30pm, in a text message conversation with Keith Tingley (the then-Director of Greek Life at ECU), Defendant Roeder stated "[t]he Title IX investigation at the university is still in process. Not sure what will come of it but I imagine if the information makes it to the school system it would be very damaging." A true and accurate screenshot of that portion of the conversation is attached hereto as Plaintiff's Exhibit 2.

64. Defendant Roeder knew at the time, or reasonably should have known, that there was no such Title IX investigation, as she and Defendant Hardy fabricated the alleged complaint.

65. Upon information and belief, in the same conversation, Defendant Roeder made several other false and derogatory remarks regarding Plaintiff's mental and physical health.

66. Defendant Roeder knew at the time, or reasonably should have known, that these additional claims were false.

67. The claims made to Mr. Tingley are substantively identical to statements Defendant Roeder made to other ECU personnel.

68. The conduct of Defendant Roeder in defaming Plaintiff was willful and wanton.

69. Upon information and belief, Defendant Roeder repeated these claims in an effort to diminish Plaintiff's credibility regarding Plaintiff's concerns about Defendant Roeder's work performance.

70. On or about November 2016, Plaintiff met with ECU and University personnel regarding the concerns Plaintiff shared about Defendant Roeder's conduct. Among the attendees was Mr. Poole, ECU's Associate Director of Internal Audit and Management Advisory Services, as well as audit staff from UNC General Administration and an attorney from UNC General Administration.

71. Mr. Poole was a duly authorized agent of ECU acting within the course and scope of his duties during the meeting.

72. Mr. Poole informed Plaintiff that there had never been a Title IX complaint against Plaintiff, notwithstanding the false claims made by Defendant Roeder and Defendant Hardy.

73. Mr. Poole further informed Plaintiff that Mr. Poole had never directed Defendant Roeder to have Plaintiff fired, nor otherwise "push[ed]" Defendant Roeder to do so as she falsely claimed.

74. Mr. Poole further informed Plaintiff that the emails ECU audit personnel had reviewed were provided to Defendant Roeder and Defendant Hardy, and that all of the emails were work-related.

75. Mr. Poole further informed Plaintiff that Defendant Roeder had confessed to sending the defamatory text messages to Mr. Tingley.

76. Defendants Staton, Bissette, and Spellings each had notice of Defendant Hardy's violations of ECU policy, University regulations, and state law, or would have had such notice had those defendants used ordinary care in oversight and supervision, and each knew or

reasonably should have known that Defendant Hardy's conduct was such that she should have been disciplined or terminated.

77. Defendants Hardy, Staton, Bissette, and Spellings each had notice of Defendant Roeder's violations of ECU policy, University regulations, and state law, or would have had such notice had those defendants used ordinary care in oversight and supervision, and each knew or reasonably should have known that Defendant Roeder's conduct was such that she should have been disciplined or terminated.

78. Plaintiff was damaged as a result of the Defendants' misconduct including, but not limited to, losing his job, being treated by a physician for resulting depression and anxiety, having his reputation severely tarnished within both the academic community and society at large, and being unable to find gainful employment without a substantial reduction in pay.

V. FIRST CAUSE OF ACTION: VIOLATION OF THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

(All Defendants)

79. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 78 of this Complaint as if fully set forth herein.

80. Plaintiff had a cognizable liberty interest in his professional reputation when damage to that reputation was coupled with the loss of his employment.

81. Plaintiff had a cognizable property interest in continued employment as a Tier II SAAO free of state action that violated the policies outlined in the University Policy Manual, including Policy Manual 300.1.1(III)(E).

82. Plaintiff's interests were deprived by the Defendants, when Plaintiff was designated as the subject of a non-existent Title IX complaint and terminated based on that complaint.

83. The procedures employed by the Defendants were constitutionally inadequate, as the Plaintiff was never given notice of any alleged complaint (because such a complaint never existed) and was never given an opportunity to be heard by any tribunal.

84. Plaintiff was damaged as a result of the Defendants' procedural due process violations, as indicated in Paragraph 78 *supra*.

VI. SECOND CAUSE OF ACTION: VIOLATION OF 42 USC § 1983

(All Defendants)

85. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 84 of this Complaint as if fully set forth herein.

86. A stigmatizing governmental disclosure was made concerning the Plaintiff, specifically that he was the subject of a Title IX investigation.

87. The disclosure was voluntarily published to third parties by Defendant Roeder, and upon information and belief by Defendant Hardy.

88. The other Defendants, as the chain of command above Defendant Roeder, knew or reasonably should have known of the disclosures.

89. Plaintiff suffered harm in addition to the stigmatizing disclosure, being discharged from his position of employment.

90. Plaintiff was deprived of due process in that no proper opportunity to be heard and defend regarding the alleged Title IX complaint was ever afforded, either before the action was taken or in remediation thereof.

91. Plaintiff was damaged as a result of Defendants' violation, as indicated in Paragraph 78 *supra*.

VII. THIRD CAUSE OF ACTION: DEFAMATION *PER SE*
(Defendants Roeder and Hardy)

92. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 91 of this Complaint as if fully set forth herein.

93. Defendant Roeder made false and defamatory statements regarding the Plaintiff, including that he was the subject of an ongoing Title IX investigation.

94. Upon information and belief, substantively similar statements were made by Defendant Hardy and/or affirmed by her when she heard them stated by Defendant Roeder.

95. The Defendants' false and defamatory statements were published to multiple third parties, including to Keith Tingley via text message.

96. The Defendants' false and defamatory statements, when considered alone and without innuendo or explanation, *(i)* tended to impeach the Plaintiff in his trade or profession and *(ii)* subjected the Plaintiff to contempt or disgrace.

97. The Defendants' false and defamatory statements caused injury to the Plaintiff and his reputation.

98. Plaintiff was damaged as a result of the Defendants' defamation, as indicated in Paragraph 78 *supra*.

VIII. FOURTH CAUSE OF ACTION: DEFAMATION *PER QUOD*
(Defendant Roeder)

99. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 98 of this Complaint as if fully set forth herein.

100. Defendant Roeder made false and defamatory statements regarding the Plaintiff, including regarding his mental and physical health.

101. Defendant Roeder's false and defamatory statements were published to multiple third parties, including Keith Tingley via text message.

102. Defendant Roeder's false and defamatory statements caused injury to the Plaintiff and his reputation.

103. Plaintiff was damaged as a result of Defendant's defamation, as indicated in Paragraph 78 *supra*.

IX. FIFTH CAUSE OF ACTION: WRONGFUL DISCHARGE AGAINST PUBLIC POLICY

(All Defendants)

104. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 103 of this Complaint as if fully set forth herein.

105. The public policy of the State of North Carolina protects the freedom of association and assembly of employees, as reflected in the First and Fourteenth Amendments to the United States Constitution, Article I Sections 12 and 14 of the North Carolina Constitution, and the University's Policy Manual 300.1.1(III)(E).

106. The public policy of the State of North Carolina further protects freedom from defamation, as reflected in Article I Section 18 of the North Carolina Constitution.

107. Plaintiff was constructively discharged when he was coerced into resigning his position of employment.

108. Plaintiff's constructive discharge occurred for a reason that violates the public policy of the State.

109. Plaintiff was damaged as a result of the Defendants' discharge, as indicated in Paragraph 78 *supra*.

X. SIXTH CAUSE OF ACTION:
FRAUD
(Defendants Roeder and Hardy)

110. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 109 of this Complaint as if fully set forth herein.

111. Defendant Roeder and Defendant Hardy engaged in the false representation or concealment of material facts to Plaintiff including, but not limited to, *(i)* claiming Plaintiff was the subject of a non-existent Title IX complaint and *(ii)* not informing Plaintiff of his procedural rights in response to both the alleged complaint and his ability to challenge his termination.

112. Upon information and belief, other such false representations and concealments may be revealed through discovery.

113. The false representations and concealments made by the Defendants were reasonably calculated to deceive Plaintiff.

114. The false representations and concealments made by the Defendants were made with the intent to deceive Plaintiff.

115. The false representations and concealments made by the Defendants did in fact deceive Plaintiff, as he resigned his position under duress.

116. Plaintiff was damaged as a result of Defendants' false representations and concealments, as indicated in Paragraph 78 *supra*.

XI. SEVENTH CAUSE OF ACTION:
NEGLIGENT MISREPRESENTATION
(Defendants Roeder and Hardy)

In the alternative, to the extent the Court concludes the referenced Defendants did not engage in fraud:

117. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 116 of this Complaint as if fully set forth herein.

118. The Defendants supplied information to Plaintiff concerning a non-existent Title IX complaint against him.

119. The information supplied by the Defendants was false.

120. The Defendants failed to use reasonable care or competence in supplying the information to the Plaintiff.

121. The Defendants intended for Plaintiff to rely on the supplied information.

122. The Plaintiff did in fact rely on the supplied information, resigning under duress.

123. Plaintiff was damaged as a result of that reliance, as indicated in Paragraph 78 *supra*.

XII. EIGHTH CAUSE OF ACTION: NEGLIGENT EMPLOYMENT AND RETENTION

(Defendants Hardy, Staton, Spellings, and Bissette)

124. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 123 of this Complaint as if fully set forth herein.

125. Specific acts by Defendant Roeder and Defendant Hardy caused harm to the Plaintiff including, but not limited to, falsely claiming Plaintiff was the subject of a Title IX complaint and publishing that information to multiple other third parties.

126. Defendant Roeder and Defendant Hardy were incompetent, as can be inferred from the previous specific acts of each identified in Paragraphs 35-37 above, as well as other acts that may be revealed through discovery.

127. The supervisory defendants (Staton, Spellings, and Bissette as to Defendant Hardy; Hardy, Staton, Spellings, and Bissette as to Defendant Roeder) had actual notice of such

incompetency, or would have had such notice had the defendants used ordinary care in oversight and supervision.

128. Plaintiff was damaged as a result of Defendant Roeder's and Defendant Hardy's incompetence, as indicated in Paragraph 78 *supra*.

XIII. NINTH CAUSE OF ACTION: NEGLIGENT SUPERVISION

(Defendants Hardy, Staton, Spellings, and Bissette)

129. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 128 of this Complaint as if fully set forth herein.

130. Defendant Roeder and Defendant Hardy were incompetent, as can be inferred from the previous specific acts of each identified in Paragraphs 35-37 above, as well as other acts that may be revealed through discovery.

131. The incompetent Defendants committed tortious acts against the Plaintiff as detailed above.

132. The supervisory defendants (Staton, Spellings, and Bissette as to Defendant Hardy; Hardy, Staton, Spellings, and Bissette as to Defendant Roeder) had actual notice of such incompetency, or would have had such notice had the defendants used ordinary care in oversight and supervision.

133. Plaintiff was damaged as a result of Defendant Roeder's and Defendant Hardy's tortious acts, as indicated in Paragraph 78 *supra*.

XIV. TENTH CAUSE OF ACTION: CIVIL CONSPIRACY

(All Defendants)

134. Plaintiff incorporates by reference the allegations contained in Paragraphs 1 through 133 of this Complaint as if fully set forth herein.

135. Upon information and belief, an agreement existed among and between the Defendants to engage in unlawful acts against the Plaintiff, including but not limited to each of the respective causes of action outlined above.

136. Plaintiff was injured as a result of the Defendants' unlawful conduct, as indicated in Paragraph 78 *supra*.

XV. PRAYER FOR RELIEF

WHEREFORE, based upon the foregoing, the Plaintiff respectfully prays that:

1. The Court find the respective Defendants liable to Plaintiff for each of the respective causes of action outlined above, or grant a jury trial on all issues so triable;
2. The Defendants be permanently enjoined from further defaming the Plaintiff;
3. Plaintiff have and recover of the Defendants, jointly and severally, back pay at the rate of $2,408.33 per month from 22 August 2016 to the date of judgment;
4. Plaintiff be reinstated to his previous position at his rate of pay immediately prior to termination, or in the alternative be instated to a tenured professorship at ECU subject to any applicable University regulations and state laws;
5. In lieu of reinstatement, Plaintiff have and recover of the Defendants, jointly and severally, lost future earnings and other compensatory damages in an amount in excess of $250,000.00 to be proven at trial;
6. Plaintiff have and recover of the Defendants, jointly and severally, punitive damages as provided by statute;
7. Plaintiff have and recover of the Defendants, jointly and severally, post-judgment interest at the 8.00% per annum legal rate from the date of judgment;

8. Plaintiff have and recover of the Defendants, jointly and severally, reasonable attorney fees as provided by statute;

9. The costs of this action be taxed against the Defendants; and,

10. The Court grant any such additional and further relief as this Court deems proper and just.

Respectfully submitted this the 31st day of May, 2017.

THE LAW OFFICES OF T. GREG DOUCETTE PLLC

/s/ T. Greg Doucette
T. Greg Doucette
North Carolina Bar No. 44351

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VERIFICATION

The undersigned Travis Earl Lewis, being first duly sworn, deposes and says that he is the Plaintiff in the foregoing action, that he has read the foregoing **Verified Complaint**, and that the facts alleged therein are true of his own knowledge, except as to the matters stated upon information and belief, and as to those matters he believes them to be true.

This the 23rd day of May, 2017.

Travis Earl Lewis

STATE OF NORTH CAROLINA

COUNTY OF DURHAM

Sworn to and subscribed before me,

this the 23 day of May, 2017.

[SEAL]

F. VANESSA HERNANDEZ
Notary Public
Orange
County
My Comm. Exp.
NORTH CAROLINA

F. Vanessa Hernandez
Notary Public

My Commission Expires: 6·19·21